

SENATE BILL No. 12

DIGEST OF SB 12 (Updated January 18, 2006 6:12 pm - DI 106)

Citations Affected: IC 5-2; IC 10-13; IC 11-8; IC 11-13; IC 31-19; IC 31-37; IC 35-38; IC 35-43; IC 35-50; IC 36-2; noncode.

Synopsis: DOC administration of sex offender registry. Transfers oversight of the sex offender registry from the criminal justice institute to the department of correction (DOC). Eliminates the sex and violent offender directory, transfers its functions to the sex offender registry, and requires the criminal justice institute to seek grants to support the sex offender registry. Removes a provision requiring a sex offender to register using a "registration form", and requires the DOC to establish a format for registration. Requires the DOC to transmit information concerning sex offenders to a neighborhood association, or to provide instructional material in the use of the sex offender registry. Requires the DOC to inform and train judges, prosecuting attorneys, law enforcement officials, and others in the sex offender registration procedure. Requires that the sex offender registry be updated daily and be available on the Internet, requires incarcerated sex offenders to register before being released, and shortens certain registration periods. Establishes a procedure for determining which out of state sex offenders residing in Indiana are required to register and how long they are required to register. Permits the DOC to reduce good time credit for a sex offender who does not participate in a sex offender treatment program or who does not register before being released from incarceration. Specifies that a sex offender's principal residence is the (Continued next page)

Effective: Upon passage; July 1, 2006.

Long, Wyss

January 9, 2006, read first time and referred to Committee on Rules and Legislative Procedure.

January 10, 2006, amended; reassigned to Committee on Corrections, Criminal, and Civil Matters.

January 19, 2006, amended, reported favorably — Do Pass.



Digest Continued

residence where the offender spends the most time. Imposes additional registration and notification requirements on sex offenders, including a requirement that a sexually violent predator notify law enforcement officials if the predator will be absent from the predator's principal residence for more than 72 hours. Requires a sexually violent predator to initially register not more than 72 hours after release from incarceration or supervision, and requires all sex offenders to register in person at least once per year. Requires a sex offender to possess a valid driver's license or state identification card. Requires a sex offender who temporarily resides in transitional housing to register once every seven days, and requires a local law enforcement authority to personally visit the listed address of a sex offender. Provides various penalties for violations of these provisions. Makes conforming amendments. Repeals certain provisions concerning the criminal justice institute's duties with respect to sex offenders.





Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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SENATE BILL No. 12

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

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1	SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS
2	[EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:
3	"Criminal justice" includes activities concerning:
4	(1) the prevention or reduction of criminal offenses;
5	(2) the enforcement of criminal law;
6	(3) the apprehension, prosecution, and defense of persons accused
7	of crimes;
8	(4) the disposition of convicted persons, including corrections
9	rehabilitation, probation, and parole; and
10	(5) the participation of members of the community in corrections
11	"Entitlement jurisdictions" include the state and certain loca
12	governmental units as defined in Section 402(a) of the Omnibus Act
13	"Institute" means the Indiana criminal justice institute.
14	"Juvenile justice" includes activities concerning:
15	(1) the prevention or reduction of juvenile delinquency;
16	(2) the apprehension and adjudication of juvenile offenders;

(3) the disposition of juvenile offenders including protective

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1	techniques and practices;	
2	(4) the prevention of child abuse and neglect; and	
3	(5) the discovery, protection, and disposition of children in need	
4	of services.	
5	"Juvenile Justice Act" means the Juvenile Justice and Delinquency	
6	Prevention Act of 1974 and any amendments made to that act.	
7	"Local governmental entities" include:	
8	(1) trial courts; and	
9	(2) political subdivisions (as defined in IC 36-1-2-13).	
10	"Offender" has the meaning set forth in IC 5-2-12-4.	
11	"Omnibus Act" means the Omnibus Crime Control and Safe Streets	
12	Act of 1968 and any amendments made to that act.	
13	"Trustees" refers to the board of trustees of the institute.	
14	SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005,	
15	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
16	JULY 1, 2006]: Sec. 3. The institute is established to do the following:	
17	(1) Evaluate state and local programs associated with:	
18	(A) the prevention, detection, and solution of criminal	
19	offenses;	
20	(B) law enforcement; and	
21	(C) the administration of criminal and juvenile justice.	
22	(2) Improve and coordinate all aspects of law enforcement,	
23	juvenile justice, and criminal justice in this state.	
24	(3) Stimulate criminal and juvenile justice research.	
25	(4) Develop new methods for the prevention and reduction of	
26	crime.	_
27	(5) Prepare applications for funds under the Omnibus Act and the	
28	Juvenile Justice Act.	V
29	(6) Administer victim and witness assistance funds.	
30	(7) Administer the traffic safety functions assigned to the institute	
31	under IC 9-27-2.	
32	(8) Compile and analyze information and disseminate the	
33	information to persons who make criminal justice decisions in this	
34	state.	
35	(9) Serve as the criminal justice statistical analysis center for this	
36	state.	
37	(10) Establish and maintain, in cooperation with the office of the	
38	secretary of family and social services, a sex and violent offender	
39	directory.	
40	(10) Identify grants and other funds that can be used by the	
41	department of correction to carry out its responsibilities	
42	concerning sex offender registration under IC 11-8-8.	



1	(11) Administer the application and approval process for
2	designating an area of a consolidated or second class city as a
3	public safety improvement area under IC 36-8-19.5.
4	(12) Prescribe or approve forms as required under IC 5-2-12.
5	(13) Provide judges, law enforcement officers, prosecuting
6	attorneys, parole officers, and probation officers with information
7	and training concerning the requirements in IC 5-2-12 and the use
8	of the sex and violent offender directory.
9	(14) (12) Develop and maintain a meth watch program to inform
10	retailers and the public about illicit methamphetamine production,
11	distribution, and use in Indiana.
12	SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005,
13	SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14	JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is
15	established. The institute shall administer the fund. Except as provided
16	in subsection (e), expenditures from the fund may be made only in
17	accordance with appropriations made by the general assembly.
18	(b) The source of the victim and witness assistance fund is the
19	family violence and victim assistance fund established by IC 12-18-5-2.
20	(c) The institute may use money from the victim and witness
21	assistance fund when awarding a grant or entering into a contract under
22	this chapter, if the money is used for the support of a program in the
23	office of a prosecuting attorney or in a state or local law enforcement
24	agency designed to:
25	(1) help evaluate the physical, emotional, and personal needs of
26	a victim resulting from a crime, and counsel or refer the victim to
27	those agencies or persons in the community that can provide the
28	services needed;
29	(2) provide transportation for victims and witnesses of crime to
30	attend proceedings in the case when necessary; or
31	(3) provide other services to victims or witnesses of crime when
32	necessary to enable them to participate in criminal proceedings
33	without undue hardship or trauma.
34	(d) Money in the victim and witness assistance fund at the end of a
35	particular fiscal year does not revert to the general fund.
36	(e) The institute may use money in the fund to:
37	(1) pay the costs of administering the fund, including
38	expenditures for personnel and data;
39	(2) establish and maintain support the Indiana sex and violent
40	offender directory registry under IC 5-2-12; IC 11-8-8;
41	(3) provide training for persons to assist victims; and
42	(4) establish and maintain a victim notification system under



1	IC 11-8-7 if the department of correction establishes the system.
2	SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS
3	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this
4	chapter, "criminal history data" means information collected by
5	criminal justice agencies, the United States Department of Justice for
6	the department's information system, or individuals.
7	(b) The term consists of the following:
8	(1) Identifiable descriptions and notations of arrests, indictments,
9	informations, or other formal criminal charges.
10	(2) Information regarding a sex and violent offender (as defined
11	in IC 5-2-12-4) IC 11-8-8-5) obtained through sex and violent
12	offender registration under IC 5-2-12. IC 11-8-8.
13	(3) Any disposition, including sentencing, and correctional system
14	intake, transfer, and release.
15	SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005
16	SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17	JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on
18	request, a law enforcement agencies agency shall release or allow
19	inspection of a limited criminal history to or allow inspection of a
20	limited criminal history by noncriminal justice organizations or
21	individuals only if the subject of the request:
22	(1) has applied for employment with a noncriminal justice
23	organization or individual;
24	(2) has applied for a license and has provided criminal history
25	data as required by law to be provided in connection with the
26	license;
27	(3) is a candidate for public office or a public official;
28	(4) is in the process of being apprehended by a law enforcement
29	agency;
30	(5) is placed under arrest for the alleged commission of a crime;
31	(6) has charged that the subject's rights have been abused
32	repeatedly by criminal justice agencies;
33	(7) is the subject of a judicial decision or determination with
34	respect to the setting of bond, plea bargaining, sentencing, or
35	probation;
36	(8) has volunteered services that involve contact with, care of, or
37	supervision over a child who is being placed, matched, or
38	monitored by a social services agency or a nonprofit corporation;
39	(9) is currently residing in a location designated by the
40	department of child services (established by IC 31-33-1.5-2) or by
41	a juvenile court as the out-of-home placement for a child at the
42	time the child will reside in the location;



1	(10) has volunteered services at a public school (as defined in
2	IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
3	that involve contact with, care of, or supervision over a student
4	enrolled in the school;
5	(11) is being investigated for welfare fraud by an investigator of
6	the division of family resources or a county office of family and
7	children;
8	(12) is being sought by the parent locator service of the child
9	support bureau of the division of family and children;
10	(13) is or was required to register as a sex and violent offender
11	under IC 5-2-12; IC 11-8-8; or
12	(14) has been convicted of any of the following:
13	(A) Rape (IC 35-42-4-1), if the victim is less than eighteen
14	(18) years of age.
15	(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
16	less than eighteen (18) years of age.
17	(C) Child molesting (IC 35-42-4-3).
18	(D) Child exploitation (IC 35-42-4-4(b)).
19	(E) Possession of child pornography (IC 35-42-4-4(c)).
20	(F) Vicarious sexual gratification (IC 35-42-4-5).
21	(G) Child solicitation (IC 35-42-4-6).
22	(H) Child seduction (IC 35-42-4-7).
23	(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
24	(J) Incest (IC 35-46-1-3), if the victim is less than eighteen
25	(18) years of age.
26	However, limited criminal history information obtained from the
27	National Crime Information Center may not be released under this
28	section except to the extent permitted by the Attorney General of the
29	United States.
30	(b) A law enforcement agency shall allow inspection of a limited
31	criminal history by and release a limited criminal history to the
32	following noncriminal justice organizations:
33	(1) Federally chartered or insured banking institutions.
34	(2) Officials of state and local government for any of the
35	following purposes:
36	(A) Employment with a state or local governmental entity.
37	(B) Licensing.
38	(3) Segments of the securities industry identified under 15 U.S.C.
39	78q(f)(2).
40	(c) Any person who uses limited criminal history for any purpose
41	not specified under this section commits a Class A misdemeanor.
12	SECTION 6 IC 10.12.2.20 IS AMENDED TO DEAD AS



1	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as
2	provided in subsection (c), on request for release or inspection of a
3	limited criminal history, law enforcement agencies may, if the agency
4	has complied with the reporting requirements in section 24 of this
5	chapter, and the department shall do the following:
6	(1) Require a form, provided by law enforcement agencies and the
7	department, to be completed. The form shall be maintained for
8	two (2) years and shall be available to the record subject upon
9	request.
10	(2) Collect a three dollar (\$3) fee to defray the cost of processing
11	a request for inspection.
12	(3) Collect a seven dollar (\$7) fee to defray the cost of processing
13	a request for release. However, law enforcement agencies and the
14	department may not charge the fee for requests received from the
15	parent locator service of the child support bureau of the division
16	of family and children.
17	(b) Law enforcement agencies and the department shall edit
18	information so that the only information released or inspected is
19	information that:
20	(1) has been requested; and
21	(2) is limited criminal history information.
22	(c) The fee required under subsection (a) shall be waived if the
23	request relates to the Indiana sex and violent offender directory
24	registry under IC 5-2-6 IC 11-8-8 or concerns a person required to
25	register as a sex and violent offender under IC 5-2-12. IC 11-8-8.
26	SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS
27	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this
28	chapter, "juvenile history data" means information collected by
29	criminal or juvenile justice agencies or individuals about a child who
30	is alleged to have committed a reportable act and consists of the
31	following:
32	(1) Descriptions and notations of events leading to the taking of
33	the child into custody by a juvenile justice agency for a reportable
34	act allegedly committed by the child.
35	(2) A petition alleging that the child is a delinquent child.
36	(3) Dispositional decrees concerning the child that are entered
37	under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
38	(4) The findings of a court determined after a hearing is held
39	under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or
40	IC 31-6-4-19(i) before their repeal) concerning the child.
41	(5) Information:

(A) regarding a child who has been adjudicated a delinquent



1	child for committing an act that would be an offense described	
2	in IC 5-2-12-4 IC 11-8-8-5 if committed by an adult; and	
3	(B) that is obtained through sex and violent offender	
4	registration under IC 5-2-12. IC 11-8-8.	
5	SECTION 8. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE	
6	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
7	1, 2006]: Sec. 12. The department shall do the following:	
8	(1) Maintain the Indiana sex offender registry established	
9	under IC 36-2-13-5.5.	
10	(2) Prescribe and approve a format for sex offender	
11	registration as required by IC 11-8-8.	
12	(3) Provide:	
13	(A) judges;	
14	(B) law enforcement officials;	
15	(C) prosecuting attorneys;	
16	(D) parole officers;	
17	(E) probation officers; and	U
18	(F) community corrections officials;	
19	with information and training concerning the requirements of	
20	IC 11-8-8 and the use of the Indiana sex offender registry.	
21	(4) Upon request of a neighborhood association:	
22	(A) transmit to the neighborhood association information	
23	concerning sex offenders who reside near the location of	
24	the neighborhood association; or	
25	(B) provide instructional material concerning the use of the	
26	Indiana sex offender registry to the neighborhood	
27	association.	
28	SECTION 9. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE	V
29	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
30	1, 2006]: Sec. 13. (a) The Indiana sex offender registry established	
31	under IC 36-2-13-5.5 and maintained by the department under	
32	section 12 of this chapter must include the names of each offender	
33	who is or has been required to register under IC 11-8-8.	
34	(b) The department shall do the following:	
35	(1) Ensure that the Indiana sex offender registry is updated at	
36	least once per day with information provided by a local law	
37	enforcement authority (as defined in IC 11-8-8-2).	
38	(2) Publish the Indiana sex offender registry on the Internet	
39	through the computer gateway administered by the office of	
40	technology established by IC 4-13.1-2-1, and ensure that the	
41	Indiana sex offender registry displays the following or similar	
42	words:	



1 2	"Based on information submitted to law enforcement, a person whose name appears in this registry has been
3	convicted of a sex offense or has been adjudicated a
4	delinquent child for an act that would be a sex offense if
5	committed by an adult.".
6	SECTION 10. IC 11-8-5-2 IS AMENDED TO READ AS
7	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The department
8	may, under IC 4-22-2, classify as confidential the following personal
9	information maintained on a person who has been committed to the
10	department or who has received correctional services from the
11	department:
12	(1) Medical, psychiatric, or psychological data or opinion which
13	might adversely affect that person's emotional well-being.
14	(2) Information relating to a pending investigation of alleged
15	criminal activity or other misconduct.
16	(3) Information which, if disclosed, might result in physical harm
17	to that person or other persons.
18	(4) Sources of information obtained only upon a promise of
19	confidentiality.
20	(5) Information required by law or promulgated rule to be
21	maintained as confidential.
22	(b) The department may deny the person about whom the
23	information pertains and other persons access to information classified
24	as confidential under subsection (a). However, confidential information
25	shall be disclosed:
26	(1) upon the order of a court;
27	(2) to employees of the department who need the information in
28	the performance of their lawful duties;
29	(3) to other agencies in accord with IC 4-1-6-2(m) and
30	IC 4-1-6-8.5;
31	(4) to the governor or the governor's designee;
32	(5) for research purposes in accord with IC 4-1-6-8.6(b);
33	(6) to the department of correction ombudsman bureau in accord
34	with IC 11-11-1.5; or
35	(7) if the commissioner determines there exists a compelling
36	public interest as defined in IC 4-1-6-1, for disclosure which
37	overrides the interest to be served by nondisclosure.
38	(c) The department shall disclose information classified as
39	confidential under subsection (a)(1) to a physician, psychiatrist, or
40	psychologist designated in writing by the person about whom the
41	information pertains.

(d) The department may disclose confidential information to the



1	following:	
2	(1) A provider of sex offender management, treatment, or	
3	programming.	
4	(2) A provider of mental health services.	
5	(3) Any other service provider working with the department	
6	to assist in the successful return of an offender to the	
7	community following the offender's release from	
8	incarceration.	
9	(e) This subsection does not prohibit the department from	_
0	sharing information available on the Indiana sex offender registry	
1	with another person.	
2	SECTION 11. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS	
.3	A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY	
4	1, 2006]:	
.5	Chapter 8. Sex Offender Registration	
6	Sec. 1. As used in this chapter, "correctional facility" has the	
7	meaning set forth in IC 4-13.5-1-1.	
8	Sec. 2. As used in this chapter, "local law enforcement	
9	authority" means the:	
20	(1) chief of police of a consolidated city; or	
21	(2) sheriff of a county that does not contain a consolidated	=4
22	city.	
23	Sec. 3. As used in this chapter, "principal residence" means the	
24	residence where a sex offender spends the most time. The term	
25	includes a residence owned or leased by another person if the sex	
26	offender:	
27	(1) does not own or lease a residence; or	
28	(2) spends more time at the residence owned or leased by the	
29	other person than at the residence owned or leased by the sex	
0	offender.	
31	Sec. 4. As used in this chapter, "register" means to provide a	
32	local law enforcement authority with the information required	
3	under section 8 of this chapter.	
34	Sec. 5. (a) As used in this chapter, "sex offender" means a	
35	person convicted of any of the following offenses:	
66	(1) Rape (IC 35-42-4-1).	
57	(2) Criminal deviate conduct (IC 35-42-4-2).	
8	(3) Child molesting (IC 35-42-4-3).	
19	(4) Child exploitation (IC 35-42-4-4(b)).	
10	(5) Vicarious sexual gratification (IC 35-42-4-5).	
1	(6) Child solicitation (IC 35-42-4-6).	
-2	(7) Child seduction (IC 35-42-4-7).	



1	(8) Sexual misconduct with a minor as a Class A, Class B, or
2	Class C felony (IC 35-42-4-9).
3	(9) Incest (IC 35-46-1-3).
4	(10) Sexual battery (IC 35-42-4-8).
5	(11) Kidnapping (IC 35-42-3-2), if the victim is less than
6	eighteen (18) years of age.
7	(12) Criminal confinement (IC 35-42-3-3), if the victim is less
8	than eighteen (18) years of age.
9	(13) Possession of child pornography (IC 35-42-4-4(c)), if the
10	person has a prior unrelated conviction for possession of child
11	pornography (IC 35-42-4-4(c)).
12	(14) An attempt or conspiracy to commit a crime listed in
13	subdivisions (1) through (13).
14	(15) A crime under the laws of another jurisdiction, including
15	a military court, that is substantially equivalent to any of the
16	offenses listed in subdivisions (1) through (14).
17	(b) The term includes:
18	(1) a person who is required to register as a sex offender in
19	any jurisdiction; and
20	(2) a child who has committed a delinquent act and who:
21	(A) is at least fourteen (14) years of age;
22	(B) is on probation, is on parole, is discharged from a
23	facility by the department of correction, is discharged from
24	a secure private facility (as defined in IC 31-9-2-115), or is
25	discharged from a juvenile detention facility as a result of
26	an adjudication as a delinquent child for an act that would
27	be an offense described in subsection (a) if committed by
28	an adult; and
29	(C) is found by a court by clear and convincing evidence to
30	be likely to repeat an act that would be an offense
31	described in subsection (a) if committed by an adult.
32	Sec. 6. As used in this chapter, "sexually violent predator"
33	means a sex offender convicted of a sex offense:
34	(1) in Indiana who has been determined to be a sexually
35	violent predator under IC 35-38-1-7.5; or
36	(2) in another jurisdiction who has been found by a court in
37	that jurisdiction to suffer from a mental abnormality or
38	personality disorder that makes the individual likely to
39	repeatedly engage in any of the offenses described in section
40	5 of this chapter, including a person who has been determined
41	to be a sexually violent predator in accordance with section 20
42	of this chapter.



1	Sec. 7. (a) Subject to section 19 of this chapter, the following
2	persons must register under this chapter:
3	(1) A sex offender who resides in Indiana. A sex offender
4	resides in Indiana if either of the following applies:
5	(A) The sex offender spends or intends to spend at least
6	seven (7) days (including part of a day) in Indiana during
7	a one hundred eighty (180) day period.
8	(B) The sex offender owns real property in Indiana and
9	returns to Indiana at any time.
10	(2) A sex offender who works or carries on a vocation or
11	intends to work or carry on a vocation full time or part time
12	for a period:
13	(A) exceeding fourteen (14) consecutive days; or
14	(B) for a total period exceeding thirty (30) days;
15	during any calendar year in Indiana, whether the sex offender
16	is financially compensated, volunteered, or is acting for the
17	purpose of government or educational benefit.
18	(3) A sex offender who is enrolled or intends to be enrolled on
19	a full-time or part-time basis in any public or private
20	educational institution, including any secondary school, trade,
21	or professional institution, or institution of higher education
22	in Indiana.
23	(b) Except as provided in subsection (e), a sex offender who
24	resides in Indiana shall register with the local law enforcement
25	authority in the county where the sex offender resides. If a sex
26	offender resides in more than one (1) county, the sex offender shall
27	register with the local law enforcement authority of each county in
28	which the sex offender resides. If the sex offender is also required
29	to register under subsection $(a)(2)$ or $(a)(3)$, the sex offender shall
30	also register with the local law enforcement authority in the county
31	in which the offender is required to register under those provisions.
32	(c) A sex offender described in subsection (a)(2) shall register
33	with the local law enforcement authority of the county where the
34	sex offender is or intends to be employed or carry on a vocation. If
35	a sex offender is or intends to be employed or carry on a vocation
36	in more than one (1) county, the sex offender shall register with the
37	local law enforcement authority of each county. If the sex offender
38	is also required to register under subsection (a)(1) or (a)(3), the sex
39	offender shall also register with the local law enforcement
40	authority in the county in which the offender is required to register
41	under those provisions.
42	(d) A sex offender described in subsection (a)(3) shall register

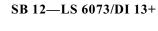


1	with the local law enforcement authority of the county where the
2	sex offender is enrolled or intends to be enrolled as a student. If the
3	sex offender is also required to register under subsection (a)(1) or
4	(a)(2), the sex offender shall also register with the local law
5	enforcement authority in the county in which the offender is
6	required to register under those provisions.
7	(e) A sex offender described in subsection (a)(1)(B) shall register
8	with the local law enforcement authority in the county in which the
9	real property is located. If the sex offender is also required to
10	register under subsection (a)(1), (a)(2), or (a)(3), the sex offender
11	shall also register with the local law enforcement authority in the
12	county in which the offender is required to register under those
13	provisions.
14	(f) A sex offender committed to the department shall register
15	with the department before the sex offender is released from
16	incarceration. The department shall forward the sex offender's
17	registration information to the local law enforcement authority of
18	every county in which the sex offender is required to register.
19	(g) This subsection does not apply to a sex offender who is a
20	sexually violent predator. A sex offender not committed to the
21	department shall register not more than seven (7) days after the
22	sex offender:
23	(1) is released from a penal facility (as defined in
24	IC 35-41-1-21);
25	(2) is released from a secure private facility (as defined in
26	IC 31-9-2-115);
27	(3) is released from a juvenile detention facility;
28	(4) is transferred to a community transition program;
29	(5) is placed on parole;
30	(6) is placed on probation;
31	(7) is placed on home detention; or
32	(8) arrives at the place where the sex offender is required to
33	register under subsection (b), (c), or (d);
34	whichever occurs first. A sex offender required to register in more
35	than one (1) county under subsection (b), (c), (d), or (e) shall
36	register in each appropriate county not more than seventy-two (72)
37	hours after the sex offender's arrival in that county or acquisition
38	of real estate in that county.
39	(h) This subsection applies to a sex offender who is a sexually

violent predator. A sex offender who is a sexually violent predator

shall register not more than seventy-two (72) hours after the sex

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offender:



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1	(1) is released from a penal facility (as defined in
2	IC 35-41-1-21);
3	(2) is released from a secure private facility (as defined in
4	IC 31-9-2-115);
5	(3) is released from a juvenile detention facility;
6	(4) is transferred to a community transition program;
7	(5) is placed on parole;
8	(6) is placed on probation;
9	(7) is placed on home detention; or
10	(8) arrives at the place where the sexually violent predator is
11	required to register under subsection (b), (c), or (d);
12	whichever occurs first. A sex offender who is a sexually violent
13	predator required to register in more than one (1) county under
14	subsection (b), (c), (d), or (e) shall register in each appropriate
15	county not more than seventy-two (72) hours after the offender's
16	arrival in that county or acquisition of real estate in that county.
17	(i) The local law enforcement authority with whom a sex
18	offender registers under this section shall make and publish a
19	photograph of the sex offender on the Indiana sex offender registry
20	web site established under IC 36-2-13-5.5. The local law
21	enforcement authority shall make a photograph of a sex offender
22	that complies with the requirements of IC 36-2-13-5.5 at least once
23	per year. The sheriff of a county containing a consolidated city
24	shall provide the police chief of a consolidated city with all
25	photographic and computer equipment necessary to enable the
26	police chief of the consolidated city to transmit sex offender
27	photographs (and other identifying information required by
28	IC 36-2-13-5.5) to the Indiana sex offender registry web site
29	established under IC 36-2-13-5.5. In addition, the sheriff of a
30	county containing a consolidated city shall provide all funding for
31	the county's financial obligation for the establishment and
32	maintenance of the Indiana sex offender registry web site
33	established under IC 36-2-13-5.5.
34	(j) When a sex offender registers, the local law enforcement
35	authority shall:
36	(1) immediately update the Indiana sex offender registry web
37	site established under IC 36-2-13-5.5; and
38	(2) notify every law enforcement agency having jurisdiction
39	in the county where the sex offender resides.

The local law enforcement authority shall provide the department

and a law enforcement agency described in subdivision (2) with the

information provided by the sex offender during registration.



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1	Sec. 8. The registration required under this chapter must	
2	include the following information:	
3	(1) The sex offender's full name, alias, any name by which the	
4	sex offender was previously known, date of birth, sex, race,	
5	height, weight, hair color, eye color, any scars, marks, or	
6	tattoos, Social Security number, driver's license number or	
7	state identification number, principal residence address, and	
8	mailing address, if different from the sex offender's principal	
9	residence address.	
10	(2) A description of the offense for which the sex offender was	
11	convicted, the date of conviction, the county of the conviction,	
12	the cause number of the conviction, and the sentence imposed,	
13	if applicable.	
14	(3) If the person is required to register under section $7(a)(2)$	
15	or 7(a)(3) of this chapter, the name and address of each of the	
16	sex offender's employers in Indiana, the name and address of	
17	each campus or location where the sex offender is enrolled in	
18	school in Indiana, and the address where the sex offender	
19	stays or intends to stay while in Indiana.	
20	(4) A recent photograph of the sex offender.	
21	(5) If the sex offender is a sexually violent predator, that the	
22	sex offender is a sexually violent predator.	
23	(6) If the sex offender is required to register for life, that the	
24	sex offender is required to register for life.	
25	(7) Any other information required by the department.	
26	Sec. 9. (a) Not more than seven (7) days before an Indiana sex	
27	offender who is required to register under this chapter is scheduled	
28	to be released from a secure private facility (as defined in	V
29	IC 31-9-2-115), or released from a juvenile detention facility, an	
30	official of the facility shall do the following:	
31	(1) Orally inform the sex offender of the sex offender's duty	
32	to register under this chapter and require the sex offender to	
33	sign a written statement that the sex offender was orally	
34	informed or, if the sex offender refuses to sign the statement,	
35	certify that the sex offender was orally informed of the duty	
36	to register.	
37	(2) Deliver a form advising the sex offender of the sex	
38	offender's duty to register under this chapter and require the	
39	sex offender to sign a written statement that the sex offender	
40	received the written notice or, if the sex offender refuses to	
41	sign the statement, certify that the sex offender was given the	
42	written notice of the duty to register.	



1	(3) Obtain the address where the sex offender expects to
2	reside after the sex offender's release.
3	(4) Transmit to the local law enforcement authority in the
4	county where the sex offender expects to reside of the sex
5	offender's name, date of release or transfer, new address, and
6	the offense or delinquent act committed by the sex offender.
7	(b) Not more than seventy-two (72) hours after a sex offender
8	who is required to register under this chapter is released or
9	transferred as described in subsection (a), an official of the facility
10	shall transmit to the state police the following:
11	(1) The sex offender's fingerprints, photograph, and
12	identification factors.
13	(2) The address where the sex offender expects to reside after
14	the sex offender's release.
15	(3) The complete criminal history data (as defined in
16	IC 10-13-3-5) or, if the sex offender committed a delinquent
17	act, juvenile history data (as defined in IC 10-13-4-4) of the
18	sex offender.
19	(4) Information regarding the sex offender's past treatment
20	for mental disorders.
21	(5) Information as to whether the sex offender has been
22	determined to be a sexually violent predator.
23	(c) This subsection applies if a sex offender is placed on
24	probation or in a community corrections program without
25	confining the sex offender in a penal facility. The probation office
26	serving the court in which the sex offender is sentenced shall
27	perform the duties required under subsections (a) and (b).
28	Sec. 10. Notwithstanding any other law, upon receiving a sex
29	offender's fingerprints from a correctional facility, the state police
30	shall immediately send the fingerprints to the Federal Bureau of
31	Investigation.
32	Sec. 11. (a) If a sex offender who is required to register under
33	this chapter changes:
34	(1) principal residence address; or
35	(2) if section $7(a)(2)$ or $7(a)(3)$ of this chapter applies, the
36	place where the sex offender stays in Indiana;
37	the sex offender shall register not more than seventy two (72) hours
38	after the address change with the local law enforcement authority
39	with whom the sex offender last registered.
40	(b) If the sex offender moves to a new county in Indiana, the

local law enforcement authority referred to in subsection (a) shall

inform the local law enforcement authority in the new county in



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Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

- (c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.
- (d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.
- (e) If a sex offender moves the sex offender's residence, place of employment, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.
- (f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.
- (g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.
- Sec. 12. (a) As used in this section, "temporary residence" means a residence:
 - (1) that is established to provide transitional housing for a person without another residence; and
 - (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.
- (b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in











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1	which the temporary residence is located:	
2	(1) not more than seventy-two (72) hours after the sex	
3	offender moves into the temporary residence; and	
4	(2) during the period in which the sex offender resides in a	
5	temporary residence, at least once every seven (7) days	
6	following the sex offender's initial registration in subdivision	
7	(1).	
8	(c) A sex offender's obligation to register in person once every	
9	seven (7) days terminates when the sex offender no longer resides	
10	in the temporary residence. However, all other requirements	4
11	imposed on a sex offender by this chapter continue in force,	
12	including the requirement that a sex offender register the sex	· ·
13	offender's new address with the local law enforcement authority.	
14	Sec. 13. (a) To verify a sex offender's current residence, the local	
15	law enforcement authority shall do the following:	
16	(1) Mail a reply form to each sex offender in the county at the	4
17	sex offender's listed address at least one (1) time per year,	
18	beginning seven (7) days after the local law enforcement	
19	authority receives a notice under section 11 or 20 of this	
20	chapter or the date the sex offender is:	
21	(A) released from a penal facility (as defined in	
22	IC 35-41-1-21), a secure private facility (as defined in	
23	IC 31-9-2-115), or a juvenile detention facility;	
24	(B) placed in a community transition program;	•
25	(C) placed in a community corrections program;	
26	(D) placed on parole; or	
27	(E) placed on probation;	1
28	whichever occurs first.	· ·
29	(2) Mail a reply form to each sex offender who is designated	
30	a sexually violent predator under IC 35-38-1-7.5 at least once	
31	every ninety (90) days, beginning seven (7) days after the local	
32	law enforcement authority receives a notice under section 11	
33	or 20 of this chapter or the date the sex offender is:	
34	(A) released from a penal facility (as defined in	
35	IC 35-41-1-21), a secure private facility (as defined in	
36	IC 31-9-2-115), or a juvenile detention facility;	
37	(B) placed in a community transition program;	
38	(C) placed in a community corrections program;	
39	(D) placed on parole; or	
40	(E) placed on probation;	
41	whichever occurs first.	
12	(3) Parsonally visit each say offender in the county at the say	



1	offender's listed address at least one (1) time per year,	
2	beginning seven (7) days after the local law enforcement	
3	authority receives a notice under section 14 of this chapter or	
4	the date the sex offender is:	
5	(A) released from a penal facility (as defined in	
6	IC 35-41-1-21), a secure private facility (as defined in	
7	IC 31-9-2-115), or a juvenile detention facility;	
8	(B) placed in a community transition program;	
9	(C) placed in a community corrections program;	
10	(D) placed on parole; or	
11	(E) placed on probation;	
12	whichever occurs first.	
13	(4) Personally visit each sex offender who is designated a	
14	sexually violent predator under IC 35-38-1-7.5 at least once	
15	every ninety (90) days, beginning seven (7) days after the local	
16	law enforcement authority receives a notice under section 15	
17	of this chapter or the date the sex offender is:	
18	(A) released from a penal facility (as defined in	
19	IC 35-41-1-21), a secure private facility (as defined in	
20	IC 31-9-2-115), or a juvenile detention facility;	
21	(B) placed in a community transition program;	
22	(C) placed in a community corrections program;	
23	(D) placed on parole; or	
24	(E) placed on probation;	
25	whichever occurs first.	
26	(b) If a sex offender fails to return a signed reply form either by	
27	mail or in person, not later than fourteen (14) days after mailing,	
28	or appears not to reside at the listed address, the local law	V
29	enforcement authority shall immediately notify the department	
30	and the prosecuting attorney.	
31	Sec. 14. At least once per calendar year, a sex offender who is	
32	required to register under this chapter shall:	
33	(1) report in person to the local law enforcement authority;	
34	(2) register; and	
35	(3) be photographed by the local law enforcement authority;	
36	in each location where the offender is required to register.	
37	Sec. 15. (a) A sex offender who is a resident of Indiana shall	
38	obtain and keep in the sex offender's possession:	
39	(1) a valid Indiana driver's license; or	
40	(2) a valid Indiana identification card (as described in	
41	IC 9-24-16).	
42	(b) A sex offender required to register in Indiana who is not a	



1	resident of Indiana shall obtain and keep in the sex offender's	
2	possession:	
3	(1) a valid driver's license issued by the state in which the sex	
4	offender resides; or	
5	(2) a valid state issued identification card issued by the state	
6	in which the sex offender resides.	
7	(c) A person who knowingly or intentionally violates this section	
8	commits failure of a sex offender to possess identification, a Class	
9	A misdemeanor. However, the offense is a Class D felony if the	
10	person:	1
11	(1) is a sexually violent predator; or	
12	(2) has a prior unrelated conviction:	`
13	(A) under this section; or	
14	(B) based on the person's failure to comply with any	
15	requirement imposed on an offender under this chapter.	
16	(d) It is a defense to a prosecution under this section that:	4
17	(1) the person has been unable to obtain a valid driver's	
18	license or state issued identification card because less than	
19	thirty (30) days have passed since the person's release from	
20	incarceration; or	
21	(2) the person possesses a driver's license or state issued	
22	identification card that expired not more than thirty (30) days	
23	before the date the person violated subsection (a) or (b).	
24	Sec. 16. (a) A sex offender who is required to register under this	
25	chapter may not petition for a change of name under IC 34-28-2.	
26	(b) If a sex offender who is required to register under this	
27	chapter changes the sex offender's name due to marriage, the sex	1
28	offender must register with the local law enforcement authority not	,
29	more than seven (7) days after the name change.	
30	Sec. 17. A sex offender who knowingly or intentionally:	
31	(1) fails to register when required to register under this	
32	chapter;	
33	(2) fails to register in every location where the sex offender is	
34	required to register under this chapter;	
35	(3) makes a material misstatement or omission while	
36	registering as a sex offender under this chapter; or	
37	(4) fails to register in person and be photographed at least one	
38	(1) time per year as required under this chapter;	
39	commits a Class D felony. However, the offense is a Class C felony	
40	if the sex offender has a prior unrelated conviction for an offense	
41	under this section or based on the person's failure to comply with	

any requirement imposed on a sex offender under this chapter.



1	Sec. 18. (a) A sexually violent predator who will be absent from
2	the sexually violent predator's principal residence for more than
3	seventy-two (72) hours shall inform the local law enforcement
4	authority, in person or in writing, of the following:
5	(1) That the sexually violent predator will be absent from the
6	sexually violent predator's principal residence for more than
7	seventy-two (72) hours.
8	(2) The location where the sexually violent predator will be
9	located during the absence from the sexually violent
10	predator's principal residence.
11	(3) How long the sexually violent predator will be absent from
12	the sexually violent predator's principal residence.
13	(b) A sexually violent predator who will spend more than
14	seventy-two (72) hours in a county in which the sexually violent
15	predator is not required to register shall inform the local law
16	enforcement authority in the county in which the sexually violent
17	predator is not required to register, in person or in writing, of the
18	following:
19	(1) That the sexually violent predator will spend more than
20	seventy-two (72) hours in the county.
21	(2) The location where the sexually violent predator will be
22	located while spending time in the county.
23	(3) How long the sexually violent predator will remain in the
24	county.
25	Upon request of the local law enforcement authority of the county
26	in which the sexually violent predator is not required to register,
27	the sexually violent predator shall provide the local law
28	enforcement authority with any additional information that will
29	assist the local law enforcement authority in determining the
30	sexually violent predator's whereabouts during the sexually violent
31	predator's stay in the county.
32	(c) A sexually violent predator who knowingly or intentionally
33	violates this section commits failure to notify, a Class A
34	misdemeanor. However, the offense is a Class D felony if the
35	person has a prior unrelated conviction under this section based on
36	the person's failure to comply with any requirement imposed on a
37	sex offender under this chapter.
38	Sec. 19. (a) Except as provided in subsections (b) and (c), a sex
39	offender is required to register under this chapter until the
40	expiration of ten (10) years after the date the sex offender:
41	(1) is released from a penal facility (as defined in
42	IC 35-41-1-21) or a secure juvenile detention facility of a state



1	or another jurisdiction;	
2	(2) is placed in a community transition program;	
3	(3) is placed in a community corrections program;	
4	(4) is placed on parole; or	
5	(5) is placed on probation;	
6	whichever occurs last. The department shall ensure that an	
7	offender who is no longer required to register as a sex offender is	
8	notified that the obligation to register has expired.	
9	(b) A sex offender who is a sexually violent predator is required	
10	to register for life.	
11	(c) A sex offender who is convicted of at least one (1) sex offense	
12	that the sex offender committed:	
13	(1) when the person was at least eighteen (18) years of age;	
14	and	
15	(2) against a victim who was less than twelve (12) years of age	
16	at the time of the crime;	
17	is required to register for life.	
18	(d) A sex offender who is convicted of at least one (1) sex offense	
19	in which the sex offender:	
20	(1) proximately caused serious bodily injury or death to the	
21	victim;	
22	(2) used force or the threat of force against the victim or a	
23	member of the victim's family; or	
24	(3) rendered the victim unconscious or otherwise incapable of	
25	giving voluntary consent;	
26	is required to register for life.	
27	(e) A sex offender who is convicted of at least two (2) unrelated	
28	sex offenses is required to register for life.	V
29	Sec. 20. (a) The governor may enter into a compact with one (1)	J
30	or more jurisdictions outside Indiana to exchange notifications	
31	concerning the release, transfer, or change of address,	
32	employment, vocation, or enrollment of a sex offender between	
33	Indiana and the other jurisdiction or the other jurisdiction and	
34	Indiana.	
35	(b) The compact must provide for the designation of a state	
36	agency to coordinate the transfer of information.	
37	(c) If the state agency receives information that a sex offender	
38	has relocated to Indiana to reside, engage in employment or a	
39	vocation, or enroll in school, the state agency shall inform in	
40	writing the local law enforcement authority where the sex offender	
41	is required to register in Indiana of:	
42	(1) the sex offender's name, date of relocation, and new	



1	address; and
2	(2) the sex offense or delinquent act committed by the sex
3	offender.
4	(d) The state agency shall determine, following a hearing:
5	(1) whether a person convicted of an offense in another
6	jurisdiction is required to register as a sex offender in
7	Indiana;
8	(2) whether an out of state sex offender is a sexually violent
9	predator; and
10	(3) the period in which an out of state sex offender who has
11	moved to Indiana will be required to register as a sex offender
12	in Indiana.
13	SECTION 12. IC 11-13-3-4 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to
15	remaining on parole is that the parolee not commit a crime during the
16	period of parole.
17	(b) The parole board may also adopt, under IC 4-22-2, additional
18	conditions to remaining on parole and require a parolee to satisfy one
19	(1) or more of these conditions. These conditions must be reasonably
20	related to the parolee's successful reintegration into the community and
21	not unduly restrictive of a fundamental right.
22	(c) If a person is released on parole the parolee shall be given a
23	written statement of the conditions of parole. Signed copies of this
24	statement shall be:
25	(1) retained by the parolee;
26	(2) forwarded to any person charged with the parolee's
27	supervision; and
28	(3) placed in the parolee's master file.
29	(d) The parole board may modify parole conditions if the parolee
30	receives notice of that action and had ten (10) days after receipt of the
31	notice to express the parolee's views on the proposed modification.
32	This subsection does not apply to modification of parole conditions
33	after a revocation proceeding under section 10 of this chapter.
34	(e) As a condition of parole, the parole board may require the
35	parolee to reside in a particular parole area. In determining a parolee's
36	residence requirement, the parole board shall:
37	(1) consider:
38	(A) the residence of the parolee prior to the parolee's
39	incarceration; and
40	(B) the parolee's place of employment; and
41	(2) assign the parolee to reside in the county where the parolee
42	resided prior to the parolee's incarceration unless assignment on



1	this basis would be detrimental to the parolee's successful
2	reintegration into the community.
3	(f) As a condition of parole, the parole board may require the
4	parolee to:
5	(1) periodically undergo a laboratory chemical test (as defined in
6	IC 14-15-8-1) or series of tests to detect and confirm the presence
7	of a controlled substance (as defined in IC 35-48-1-9); and
8	(2) have the results of any test under this subsection reported to
9	the parole board by the laboratory.
10	The parolee is responsible for any charges resulting from a test
11	required under this subsection. However, a person's parole may not be
12	revoked on the basis of the person's inability to pay for a test under this
13	subsection.
14	(g) As a condition of parole, the parole board:
15	(1) may require a parolee who is a sex and violent offender (as
16	defined in IC 5-2-12-4) IC 11-8-8-5) to:
17	(A) participate in a treatment program for sex offenders
18	approved by the parole board; and
19	(B) avoid contact with any person who is less than sixteen (16)
20	years of age unless the parolee:
21	(i) receives the parole board's approval; or
22	(ii) successfully completes the treatment program referred to
23	in clause (A); and
24	(2) shall:
25	(A) require a parolee who is an a sex offender (as defined in
26	$\frac{1C}{5-2-12-4}$ IC 11-8-8-5) to register with a sheriff (or the
27	police chief of a consolidated city) under IC 5-2-12-5; local
28	law enforcement authority under IC 11-8-8;
29	(B) prohibit the sex offender from residing within one
30	thousand (1,000) feet of school property (as defined in
31	IC 35-41-1-24.7) for the period of parole, unless the sex
32	offender obtains written approval from the parole board; and
33	(C) prohibit a parolee who is an a sex offender convicted of a
34	sex offense (as defined in IC 35-38-2-2.5) from residing within
35	one (1) mile of the victim of the sex offender's sex offense
36	unless the sex offender obtains a waiver under IC 35-38-2-2.5.
37	If the parole board allows the sex offender to reside within one
38	thousand (1,000) feet of school property under subdivision (2)(B), the
39	parole board shall notify each school within one thousand (1,000) feet
40	of the sex offender's residence of the order.
41	(h) The address of the victim of a parolee who is an a sex offender
42	convicted of a sex offense (as defined in IC 35-38-2-2.5) is



1	confidential, even if the sex offender obtains a waiver under
2	IC 35-38-2-2.5.
3	SECTION 13. IC 11-13-6-5.5 IS AMENDED TO READ AS
4	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section
5	shall not be construed to limit victim's victims rights granted by
6	IC 35-40 or any other law.
7	(b) As used in this section, "sex offense" refers to a sex offense
8	described in IC 5-2-12-4(1). IC 11-8-8-5.
9	(c) As used in this section, "victim" means a person who has
10	suffered direct harm as a result of a delinquent act that would be a sex
11	offense if the delinquent offender were an adult. The term includes a
12	victim's representative appointed under IC 35-40-13.
13	(d) Unless a victim has requested in writing not to be notified, the
14	department shall notify the victim involved in the adjudication of a
15	delinquent offender committed to the department for a sex offense of
16	the delinquent offender's:
17	(1) discharge from the department of correction;
18	(2) release from the department of correction under any temporary
19	release program administered by the department;
20	(3) release on parole;
21	(4) parole release hearing under this chapter;
22	(5) parole violation hearing under this chapter; or
23	(6) escape from commitment to the department of correction.
24	(e) The department shall make the notification required under
25	subsection (d):
26	(1) at least forty (40) days before a discharge, release, or hearing
27	occurs; and
28	(2) not later than twenty-four (24) hours after the escape of a
29	delinquent offender from commitment to the department of
30	correction.
31	The department shall supply the information to a victim at the address
32	supplied to the department by the victim. A victim is responsible for
33	supplying the department with any change of address or telephone
34	number of the victim.
35	(f) The probation officer or caseworker preparing the
36	predispositional report under IC 31-37-17 shall inform the victim

before the predispositional report is prepared of the right of the victim

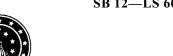
to receive notification from the department under subsection (d). The

probation department or county office of family and children shall

forward the most recent list of the addresses or telephone numbers, or

both, of victims to the department. The probation department or county

office of family and children shall supply the department with the



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1	information required by this section as soon as possible but not later
2	than five (5) days after the receipt of the information. A victim is
3	responsible for supplying the department with the correct address and
4	telephone number of the victim.
5	(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender
6	may not have access to the name and address of a victim. Upon the
7	filing of a motion by a person requesting or objecting to the release of
8	victim information or representative information, or both, that is
9	retained by the department, the court shall review in camera the
10	information that is the subject of the motion before ruling on the
11	motion.
12	(h) The notice required under subsection (d) must specify whether
13	the delinquent offender is being discharged, is being released under a
14	temporary release program administered by the department, is being
15	released on parole, is having a parole release hearing, is having a
16	parole violation hearing, or has escaped. The notice must contain the
17	following information:
18	(1) The name of the delinquent offender.
19	(2) The date of the delinquent act.
20	(3) The date of the adjudication as a delinquent offender.
21	(4) The delinquent act of which the delinquent offender was
22	adjudicated.
23	(5) The disposition imposed.
24	(6) The amount of time for which the delinquent offender was
25	committed to the department.
26	(7) The date and location of the interview (if applicable).
27	SECTION 14. IC 31-19-11-1, AS AMENDED BY P.L.129-2005,
28	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29	JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence
30	and finds that:
31	(1) the adoption requested is in the best interest of the child;
32	(2) the petitioner or petitioners for adoption are of sufficient
33	ability to rear the child and furnish suitable support and
34	education;
35	(3) the report of the investigation and recommendation under
36	IC 31-19-8-5 has been filed;
37	(4) the attorney or agency arranging an adoption has filed with the
38	court an affidavit prepared by the state department of health under
39	IC 31-19-5-16 indicating whether a man is entitled to notice of the
40	adoption because the man has registered with the putative father



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registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is

1	necessary, of the adoption has been given;					
2	(6) the attorney or agency has filed with the court an affidavit					
3	prepared by the state department of health under:					
4	(A) IC 31-19-6 indicating whether a record of a paternity					
5	determination; or					
6	(B) IC 16-37-2-2(g) indicating whether a paternity affidavit					
7	executed under IC 16-37-2-2.1;					
8	has been filed in relation to the child;					
9	(7) proper consent, if consent is necessary, to the adoption has					
10	been given;					
11	(8) the petitioner for adoption is not prohibited from adopting the					
12	child as the result of an inappropriate criminal history described					
13	in subsection (c) or (d); and					
14	(9) the person, licensed child placing agency, or county office of					
15	family and children that has placed the child for adoption has					
16	provided the documents and other information required under					
17	IC 31-19-17 to the prospective adoptive parents;					
18	the court shall grant the petition for adoption and enter an adoption					
19	decree.					
20	(b) A court may not grant an adoption unless the department's					
21	affidavit under IC 31-19-5-16 is filed with the court as provided under					
22	subsection (a)(4).					
23	(c) A conviction of a felony or a misdemeanor related to the health					
24	and safety of a child by a petitioner for adoption is a permissible basis					
25	for the court to deny the petition for adoption. In addition, the court					
26	may not grant an adoption if a petitioner for adoption has been					
27	convicted of any of the felonies described as follows:					
28	(1) Murder (IC 35-42-1-1).					
29	(2) Causing suicide (IC 35-42-1-2).					
30	(3) Assisting suicide (IC 35-42-1-2.5).					
31	(4) Voluntary manslaughter (IC 35-42-1-3).					
32	(5) Reckless homicide (IC 35-42-1-5).					
33	(6) Battery as a felony (IC 35-42-2-1).					
34	(7) Aggravated battery (IC 35-42-2-1.5).					
35	(8) Kidnapping (IC 35-42-3-2).					
36	(9) Criminal confinement (IC 35-42-3-3).					
37	(10) A felony sex offense under IC 35-42-4.					
38	(11) Carjacking (IC 35-42-5-2).					
39	(12) Arson (IC 35-43-1-1).					
40	(13) Incest (IC 35-46-1-3).					
41	(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and					
12	IC(35-46-1-4(a)(2))					



1	(15) Child selling (IC 35-46-1-4(d)).
2	(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
3	(17) A felony relating to controlled substances under IC 35-48-4.
4	(18) An offense relating to material or a performance that is
5	harmful to minors or obscene under IC 35-49-3.
6	(19) A felony that is substantially equivalent to a felony listed in
7	subdivisions (1) through (18) for which the conviction was
8	entered in another state.
9	However, the court is not prohibited from granting an adoption based
10	upon a felony conviction under subdivision (6), (11), (12), (16), or
11	(17), or its equivalent under subdivision (19), if the offense was not
12	committed within the immediately preceding five (5) year period.
13	(d) A court may not grant an adoption if the petitioner is an a sex
14	offender (as defined in IC 5-2-12-4). IC 11-8-8-5).
15	SECTION 15. IC 31-37-19-5 IS AMENDED TO READ AS
16	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section
17	applies if a child is a delinquent child under IC 31-37-1.
18	(b) The juvenile court may, in addition to an order under section 6
19	of this chapter, enter at least one (1) of the following dispositional
20	decrees:
21	(1) Order supervision of the child by:
22	(A) the probation department; or
23	(B) the county office of family and children.
24	As a condition of probation under this subdivision, the juvenile
25	court shall after a determination under IC 5-2-12-4 IC 11-8-8-5
26	require a child who is adjudicated a delinquent child for an act
27	that would be an offense described in IC 5-2-12-4 IC 11-8-8-5 if
28	committed by an adult to register with the sheriff (or the police
29	chief of a consolidated city) local law enforcement authority
30	under IC 5-2-12. IC 11-8-8.
31	(2) Order the child to receive outpatient treatment:
32	(A) at a social service agency or a psychological, a psychiatric,
33	a medical, or an educational facility; or
34	(B) from an individual practitioner.
35	(3) Order the child to surrender the child's driver's license to the
36	court for a specified period of time.
37	(4) Order the child to pay restitution if the victim provides
38	reasonable evidence of the victim's loss, which the child may
39	challenge at the dispositional hearing.
40	(5) Partially or completely emancipate the child under section 27
41	of this chapter.
42	(6) Order the child to attend an alcohol and drug services program



1	established under IC 12-23-14.	
2	(7) Order the child to perform community restitution or service	
3	for a specified period of time.	
4	(8) Order wardship of the child as provided in section 9 of this	
5	chapter.	
6	SECTION 16. IC 31-37-19-9 IS AMENDED TO READ AS	
7	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section	
8	applies if a child is a delinquent child under IC 31-37-1.	
9	(b) After a juvenile court makes a determination under IC 5-2-12-4,	
10	IC 11-8-8-5, the juvenile court may, in addition to an order under	
11	section 6 of this chapter, and if the child:	
12	(1) is at least thirteen (13) years of age and less than sixteen (16)	
13	years of age; and	
14	(2) committed an act that, if committed by an adult, would be:	
15	(A) murder (IC 35-42-1-1);	
16	(B) kidnapping (IC 35-42-3-2);	
17	(C) rape (IC 35-42-4-1);	
18	(D) criminal deviate conduct (IC 35-42-4-2); or	
19	(E) robbery (IC 35-42-5-1) if the robbery was committed while	
20	armed with a deadly weapon or if the robbery resulted in	
21	bodily injury or serious bodily injury;	
22	order wardship of the child to the department of correction for a fixed	
23	period that is not longer than the date the child becomes eighteen (18)	
24	years of age, subject to IC 11-10-2-10.	
25	(c) Notwithstanding IC 11-10-2-5, the department of correction may	
26	not reduce the period ordered under this section (or	
27	IC 31-6-4-15.9(b)(8) before its repeal).	
28	SECTION 17. IC 35-38-1-7.5 IS AMENDED TO READ AS	
29	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this	
30	section, "sexually violent predator" has the meaning set forth in	
31	IC 5-2-12-4.5. IC 11-8-8-6.	
32	(b) This section applies whenever a court sentences a person for a	
33	sex offense listed in IC $5-2-12-4(a)(1)$ through IC $5-2-12-4(a)(10)$	
34	IC 11-8-8-4 for which the person is required to register with the sheriff	
35	(or the police chief of a consolidated city) local law enforcement	
36	authority under IC 5-2-12-5. IC 11-8-8.	
37	(c) At the sentencing hearing, the court shall determine whether the	
38	person is a sexually violent predator. Before making a determination	
39	under this section, the court shall consult with a board of experts	
40	consisting of two (2) board certified psychologists or psychiatrists who	
41	have expertise in criminal behavioral disorders.	

(d) If the court finds that a person is a sexually violent predator:



1	(1) the person is required to register with the sheriff (or the police
2	chief of a consolidated city) local law enforcement authority as
3	provided in IC 5-2-12-13(b); IC 11-8-8 ; and
4	(2) the court shall send notice of its finding under this subsection
5	to the criminal justice institute. department of correction.
6	(e) A person who is found by a court to be a sexually violent
7	predator under subsection (c) may petition the court to consider
8	whether the person is no longer a sexually violent predator. The person
9	may file a petition under this subsection not earlier than ten (10) years
10	after the sentencing court makes its finding under subsection (c). A
11	person may file a petition under this subsection not more than one (1)
12	time per year. If a court finds that the person is no longer a sexually
13	violent predator, the court shall send notice to the Indiana criminal
14	justice institute department of correction that the person is no longer
15	considered a sexually violent predator.
16	SECTION 18. IC 35-38-2-2.2 IS AMENDED TO READ AS
17	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of
18	probation for an a sex offender (as defined in IC 5-2-12-4
19	IC 11-8-8-5), the court shall:
20	(1) require the sex offender to register with the sheriff (or the
21	police chief of a consolidated city) local law enforcement
22	authority under IC 5-2-12-5; IC 11-8-8; and
23	(2) prohibit the sex offender from residing within one thousand
24	(1,000) feet of school property (as defined in IC 35-41-1-24.7) for
25	the period of probation, unless the sex offender obtains written
26	approval from the court.
27	If the court allows the sex offender to reside within one thousand
28	(1,000) feet of school property under subdivision (2), the court shall
29	notify each school within one thousand (1,000) feet of the sex
30	offender's residence of the order.
31	SECTION 19. IC 35-38-2-2.4 IS AMENDED TO READ AS
32	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of
33	probation, the court may require a sex offender (as defined in
34	IC 5-2-12-4) IC 11-8-8-5) to:
35	(1) participate in a treatment program for sex offenders approved
36	by the court; and
37	(2) avoid contact with any person who is less than sixteen (16)
38	years of age unless the probationer:
39 40	(A) receives the court's approval; or
40	(B) successfully completes the treatment program referred to
41	in subdivision (1).
42	SECTION 20. IC 35-43-1-2 IS AMENDED TO READ AS



1	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who:	
2	(1) recklessly, knowingly, or intentionally damages or defaces	
3	property of another person without the other person's consent; or	
4	(2) knowingly or intentionally causes another to suffer pecuniary	
5	loss by deception or by an expression of intention to injure	
6	another person or to damage the property or to impair the rights	
7	of another person;	
8	commits criminal mischief, a Class B misdemeanor. However, the	
9	offense is:	
10	(A) a Class A misdemeanor if:	1
11	(i) the pecuniary loss is at least two hundred fifty dollars	
12	(\$250) but less than two thousand five hundred dollars	
13	(\$2,500);	
14	(ii) the property damaged was a moving motor vehicle;	
15	(iii) the property damaged or defaced was a copy of the sex	
16	and violent offender directory (IC 5-2-6-3) contained data	1
17	relating to a person required to register as a sex offender	•
18	under IC 11-8-8 and the person is not a sex offender or was	
19	not required to register as a sex offender;	
20	(iv) the property damaged was a locomotive, a railroad car,	
21	a train, or equipment of a railroad company being operated	
22	on a railroad right-of-way;	
23	(v) the property damaged was a part of any railroad signal	
24	system, train control system, centralized dispatching system,	
25	or highway railroad grade crossing warning signal on a	
26	railroad right-of-way owned, leased, or operated by a	•
27	railroad company;	'
28	(vi) the property damaged was any rail, switch, roadbed,	
29	viaduct, bridge, trestle, culvert, or embankment on a	
30	right-of-way owned, leased, or operated by a railroad	
31	company; or	
32	(vii) the property damage or defacement was caused by paint	
33 34	or other markings; and	
35	(B) a Class D felony if:(i) the pecuniary loss is at least two thousand five hundred	
36	dollars (\$2,500);	
37	(ii) the damage causes a substantial interruption or	
38	impairment of utility service rendered to the public;	
39	(iii) the damage is to a public record;	
40	(iv) the property damaged or defaced was a copy of the sex	
41	and violent offender directory (IC 5-2-6-3) contained data	
42	relating to a person required to register as a sex offender	
	remains to a person required to register as a sex offender	



1	under IC 11-8-8 and the person is a sex offender or was	
2	required to register as a sex offender;	
3	(v) the damage causes substantial interruption or impairment	
4	of work conducted in a scientific research facility;	
5	(vi) the damage is to a law enforcement animal (as defined	
6	in IC 35-46-3-4.5); or	
7	(vii) the damage causes substantial interruption or	
8	impairment of work conducted in a food processing facility.	
9	(b) A person who recklessly, knowingly, or intentionally damages:	
10	(1) a structure used for religious worship;	
11	(2) a school or community center;	
12	(3) the grounds:	
13	(A) adjacent to; and	
14	(B) owned or rented in common with;	
15	a structure or facility identified in subdivision (1) or (2); or	
16	(4) personal property contained in a structure or located at a	
17	facility identified in subdivision (1) or (2);	
18	without the consent of the owner, possessor, or occupant of the	
19	property that is damaged, commits institutional criminal mischief, a	
20	Class A misdemeanor. However, the offense is a Class D felony if the	
21	pecuniary loss is at least two hundred fifty dollars (\$250) but less than	
22	two thousand five hundred dollars (\$2,500), and a Class C felony if the	
23	pecuniary loss is at least two thousand five hundred dollars (\$2,500).	
24	(c) If a person is convicted of an offense under this section that	_
25	involves the use of graffiti, the court may, in addition to any other	
26	penalty, order that the person's operator's license be suspended or	
27	invalidated by the bureau of motor vehicles for not more than one (1)	
28	year.	W
29	(d) The court may rescind an order for suspension or invalidation	
30	under subsection (c) and allow the person to receive a license or permit	
31	before the period of suspension or invalidation ends if the court	
32	determines that:	
33	(1) the person has removed or painted over the graffiti or has	
34	made other suitable restitution; and	
35	(2) the person who owns the property damaged or defaced by the	
36	criminal mischief or institutional criminal mischief is satisfied	
37	with the removal, painting, or other restitution performed by the	
38	person.	
39	SECTION 21. IC 35-50-2-2, AS AMENDED BY P.L.213-2005,	
40	SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
41	JULY 1, 2006]: Sec. 2. (a) The court may suspend any part of a	
42	sentence for a felony, except as provided in this section or in section	



1	2.1 of this chapter.
2	(b) With respect to the following crimes listed in this subsection, the
3	court may suspend only that part of the sentence that is in excess of the
4	minimum sentence, unless the court has approved placement of the
5	offender in a forensic diversion program under IC 11-12-3.7:
6	(1) The crime committed was a Class A or Class B felony and the
7	person has a prior unrelated felony conviction.
8	(2) The crime committed was a Class C felony and less than seven
9	(7) years have elapsed between the date the person was
10	discharged from probation, imprisonment, or parole, whichever
11	is later, for a prior unrelated felony conviction and the date the
12	person committed the Class C felony for which the person is
13	being sentenced.
14	(3) The crime committed was a Class D felony and less than three
15	(3) years have elapsed between the date the person was
16	discharged from probation, imprisonment, or parole, whichever
17	is later, for a prior unrelated felony conviction and the date the
18	person committed the Class D felony for which the person is
19	being sentenced. However, the court may suspend the minimum
20	sentence for the crime only if the court orders home detention
21	under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
22	sentence specified for the crime under this chapter.
23	(4) The felony committed was:
24	(A) murder (IC 35-42-1-1);
25	(B) battery (IC 35-42-2-1) with a deadly weapon or battery
26	causing death;
27	(C) sexual battery (IC 35-42-4-8) with a deadly weapon;
28	(D) kidnapping (IC 35-42-3-2);
29	(E) confinement (IC 35-42-3-3) with a deadly weapon;
30	(F) rape (IC 35-42-4-1) as a Class A felony;
31	(G) criminal deviate conduct (IC 35-42-4-2) as a Class A
32	felony;
33	(H) child molesting (IC 35-42-4-3) as a Class A or Class B
34	felony;
35	(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
36	with a deadly weapon;
37	(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
38	injury;
39	(K) burglary (IC 35-43-2-1) resulting in serious bodily injury
40	or with a deadly weapon;
41	(L) resisting law enforcement (IC 35-44-3-3) with a deadly
42	weapon;



1	(M) escape (IC 35-44-3-5) with a deadly weapon;	
2	(N) rioting (IC 35-45-1-2) with a deadly weapon;	
3	(O) dealing in cocaine, a narcotic drug, or methamphetamine	
4	(IC 35-48-4-1) if the court finds the person possessed a firearm	
5	(as defined in IC 35-47-1-5) at the time of the offense, or the	
6	person delivered or intended to deliver to a person under	
7	eighteen (18) years of age at least three (3) years junior to the	
8	person and was on a school bus or within one thousand (1,000)	
9	feet of:	
10	(i) school property;	
11	(ii) a public park;	
12	(iii) a family housing complex; or	
13	(iv) a youth program center;	
14	(P) dealing in a schedule I, II, or III controlled substance	
15	(IC 35-48-4-2) if the court finds the person possessed a firearm	
16	(as defined in IC 35-47-1-5) at the time of the offense, or the	
17	person delivered or intended to deliver to a person under	
18	eighteen (18) years of age at least three (3) years junior to the	
19	person and was on a school bus or within one thousand (1,000)	
20	feet of:	
21	(i) school property;	
22	(ii) a public park;	
23	(iii) a family housing complex; or	
24	(iv) a youth program center;	
25	(Q) an offense under IC 9-30-5 (operating a vehicle while	
26	intoxicated) and the person who committed the offense has	_
27	accumulated at least two (2) prior unrelated convictions under	
28	IC 9-30-5;	
29	(R) an offense under IC 9-30-5-5(b) (operating a vehicle while	
30	intoxicated causing death); or	
31	(S) aggravated battery (IC 35-42-2-1.5).	
32	(c) Except as provided in subsection (e), whenever the court	
33	suspends a sentence for a felony, it shall place the person on probation	
34	under IC 35-38-2 for a fixed period to end not later than the date that	
35	the maximum sentence that may be imposed for the felony will expire.	
36	(d) The minimum sentence for a person convicted of voluntary	
37	manslaughter may not be suspended unless the court finds at the	
38	sentencing hearing that the crime was not committed by means of a	
39 40	deadly weapon.	
40	(e) Whenever the court suspends that part of an a sex offender's (as	
41	defined in IC 5-2-12-4) IC 11-8-8-5) sentence that is suspendible under	

subsection (b), the court shall place the sex offender on probation



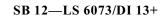
1	under IC 35-38-2 for not more than ten (10) years.	
2	(f) An additional term of imprisonment imposed under	
3	IC 35-50-2-11 may not be suspended.	
4	(g) A term of imprisonment imposed under IC 35-47-10-6 or	
5	IC 35-47-10-7 may not be suspended if the commission of the offense	
6	was knowing or intentional.	
7	(h) A term of imprisonment imposed for an offense under	
8	IC 35-48-4-6(b)(1)(B) may not be suspended.	
9	SECTION 22. IC 35-50-6-1 IS AMENDED TO READ AS	
10	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as	
11	provided in subsection (d), when a person imprisoned for a felony	
12	completes his the person's fixed term of imprisonment, less the credit	
13	time he has earned with respect to that term, he the person shall be:	
14	(1) released on parole for not more than twenty-four (24) months,	
15	as determined by the parole board;	
16	(2) discharged upon a finding by the committing court that the	
17	person was assigned to a community transition program and may	
18	be discharged without the requirement of parole; or	
19	(3) released to the committing court if his the sentence included	
20	a period of probation.	
21	(b) Except as provided in subsection (d), a person released on parole	
22	remains on parole from the date of his release until his the fixed term	
23	expires, unless his the person's parole is revoked or he the person is	
24	discharged from that term by the parole board. In any event, if his the	
25	person's parole is not revoked, the parole board shall discharge him	
26	the person after the period set under subsection (a) or the expiration	
27	of the person's fixed term, whichever is shorter.	
28	(c) A person whose parole is revoked shall be imprisoned for the	
29	remainder of his the person's fixed term. However, he the person	
30	shall again be released on parole when he the person completes that	
31	remainder, less the credit time he the person has earned since the	
32	revocation. The parole board may reinstate him the person on parole	
33	at any time after the revocation.	
34	(d) When an a sex offender (as defined in IC 5-2-12-4) IC 11-8-8-5)	
35	completes the offender's fixed term of imprisonment, less credit time	
36	earned with respect to that term, the offender shall be placed on parole	
37	for not more than ten (10) years.	
38	SECTION 23. IC 35-50-6-5 IS AMENDED TO READ AS	
39	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may,	
40	with respect to the same transaction, be deprived of any part of the	
41	credit time he has earned for any of the following:	
42	(1) A violation of one (1) or more rules of the department of	



1	correction.
2	(2) If the person is not committed to the department, a violation
3	of one (1) or more rules of the penal facility in which the person
4	is imprisoned.
5	(3) A violation of one (1) or more rules or conditions of a
6	community transition program.
7	(4) If a court determines that a civil claim brought by the person
8	in a state or an administrative court is frivolous, unreasonable, or
9	groundless.
10	(5) If the person is a sex offender (as defined in IC 11-8-8-5)
11	and refuses to register before being released from the
12	department as required under IC 11-8-8-7.
13	(6) If the person is a sex offender (as defined in IC 11-8-8-5)
14	and refuses to participate in a sex offender treatment
15	program specifically offered to the sex offender by the
16	department of correction while the person is serving a period
17	of incarceration with the department of correction.
18	However, the violation of a condition of parole or probation may not be
19	the basis for deprivation. Whenever a person is deprived of credit time,
20	he may also be reassigned to Class II or Class III.
21	(b) Before a person may be deprived of earned credit time, the
22	person must be granted a hearing to determine his guilt or innocence
23	and, if found guilty, whether deprivation of earned credit time is an
24	appropriate disciplinary action for the violation. In connection with the
25	hearing, the person is entitled to the procedural safeguards listed in
26	section 4(c) of this chapter. The person may waive his right to the
27	hearing.
28	(c) Any part of the credit time of which a person is deprived under
29	this section may be restored.
30	SECTION 24. IC 36-2-13-5.5 IS AMENDED TO READ AS
31	FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs
32	shall jointly establish and maintain a Indiana sex offender web site,
33	known as the Indiana sheriffs' sex offender registry, to inform the
34	general public about the identity, location, and appearance of every sex
35	offender residing within Indiana. The web site must provide
36	information regarding each sex offender, organized by county of
37	residence. The web site shall be updated at least every seven (7) days.
38	daily.
39	(b) The Indiana sex offender web site must include the following
40	information:

(1) A recent photograph of every sex offender who has registered

with a sheriff after the effective date of this chapter.





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1	(2) The home address of every sex offender.	
2	(3) The information required to be included in the Indiana sex	
3	offender directory registry (IC 5-2-12-6). under IC 11-8-8-8.	
4	(c) Every time a sex offender submits a new registration form to the	
5	sheriff registers, but at least once per year, the sheriff shall photograph	
6	the sex offender. The sheriff shall place this photograph on the Indiana	
7	sex offender web site.	
8	(d) The photograph of a sex offender described in subsection (c)	
9	must meet the following requirements:	
10	(1) The photograph must be full face, front view, with a plain	
11	white or off-white background.	
12	(2) The image of the offender's face, measured from the bottom	
13	of the chin to the top of the head, must fill at least seventy-five	
14	percent (75%) of the photograph.	
15	(3) The photograph must be in color.	
16	(4) The photograph must show the offender dressed in normal	
17	street attire, without a hat or headgear that obscures the hair or	
18	hairline.	
19	(5) If the offender normally and consistently wears prescription	
20	glasses, a hearing device, wig, or a similar article, the photograph	
21	must show the offender wearing those items. A photograph may	
22	not include dark glasses or nonprescription glasses with tinted	
23	lenses unless the offender can provide a medical certificate	
24	demonstrating that tinted lenses are required for medical reasons.	_
25	(6) The photograph must have sufficient resolution to permit the	
26	offender to be easily identified by a person accessing the Indiana	
27	sex offender web site.	
28	(e) The Indiana sex offender web site may be funded from:	y
29	(1) the jail commissary fund (IC 36-8-10-21);	
30	(2) a grant from the criminal justice institute; and	
31	(3) any other source, subject to the approval of the county fiscal	
32	body.	
33	SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE	
34	JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.	
35	SECTION 26. [EFFECTIVE JULY 1, 2006] IC 11-8-8-15,	
36	IC 11-8-8-17, and IC 11-8-8-18, all as added by this act, and	
37	IC 35-43-1-2, as amended by this act, apply only to crimes	
38	committed after June 30, 2006.	
39	SECTION 27. An emergency is declared for this act.	



SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 12 and that Senator Long be substituted therefor.

GARTON

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

(Reference is to SB 12 as introduced.)

GARTON, Chairperson

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 12.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as

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follows:

Page 4, line 11, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 7, line 2, delete "11-8-8-4" and insert "IC 11-8-8-5".

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.".

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.".

Page 9, line 20, delete "Sec. 3." and insert "Sec. 4.".

Page 9, line 22, delete "IC 11-8-8-7." and insert "section 8 of this chapter.".

Page 9, line 23, delete "Sec. 4." and insert "Sec. 5.".

Page 10, line 21, delete "Sec. 5." and insert "Sec. 6.".

Page 10, line 29, delete "4" and insert "5".

Page 10, line 29, delete "chapter." and insert "chapter, including a person who has been determined to be a sexually violent predator in accordance with section 20 of this chapter.".

Page 10, line 30, delete "Sec. 6." and insert "Sec. 7.".

Page 10, line 30, delete "14" and insert "19".

Page 10, line 39, delete "not described in subdivision (1)".

Page 11, line 5, delete "not described in subdivision (1)".

Page 11, line 15, after "resides." insert "If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.".

Page 11, line 21, after "county." insert "If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.".

Page 11, line 24, after "student." insert "If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement

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authority in the county in which the offender is required to register under those provisions.".

Page 11, line 27, after "located." insert "If the sex offender is also required to register under subsection (a)(1), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.".

Page 11, line 33, after "(g)" insert "This subsection does not apply to a sex offender who is a sexually violent predator.".

Page 12, line 4, after "first." insert "A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county."

Page 12, line 5, delete "Whenever a sex offender registers with a local law" and insert "This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.".

Page 12, delete lines 6 through 8.

Page 12, line 11, delete "sheriffs".

Page 12, line 12, after "IC 36-2-13-5.5." insert "The local law enforcement authority shall make a photograph of a sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year.".

Page 12, line 17, delete "sheriffs".









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Page 12, line 32, delete "Sec. 7." and insert "Sec. 8.".

Page 12, line 36, after "eye color," insert "any scars, marks, or tattoos,".

Page 12, line 37, delete ", and home" and insert "or state identification number, principal residence".

Page 12, line 37, delete "." and insert ", and mailing address, if different from the sex offender's principal residence address.".

Page 12, line 42, delete "6(a)(2)" and insert "7(a)(2)".

Page 13, line 1, delete "6(a)(3)" and insert "7(a)(3)".

Page 13, line 9, after "(6)" insert "If the sex offender is required to register for life, that the sex offender is required to register for life.

(7)".

Page 13, line 10, delete "Sec. 8." and insert "Sec. 9.".

Page 13, line 33, delete "three (3) days" and insert "seventy-two (72) hours".

Page 14, line 12, delete "Sec. 9." and insert "Sec. 10.".

Page 14, line 16, delete "Sec. 10." and insert "Sec. 11.".

Page 14, line 18, delete "home" and insert "principal residence".

Page 14, line 19, delete "6(a)(2)" and insert "7(a)(2)".

Page 14, line 19, delete "6(a)(3)" and insert "7(a)(3)".

Page 14, line 31, delete "11" and insert "13".

Page 14, line 32, delete "within" and insert "not more than".

Page 14, line 34, delete "6(a)(2)" and insert "7(a)(2)".

Page 14, line 34, delete "6(a)(3)" and insert "7(a)(3)".

Page 15, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 12. (a) As used in this section, "temporary residence" means a residence:

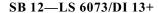
- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.
- (b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:
 - (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
 - (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration in subdivision

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(1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.".

Page 15, line 17, delete "Sec. 11." and insert "Sec. 13.".

Page 15, line 22, delete "14" and insert "11 or 20".

Page 15, line 35, delete "15" and insert "11 or 20".

Page 16, between lines 2 and 3, begin a new line block indented and insert:

- "(3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 14 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 15 of this chapter or the date the sex offender is:
 - (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.".

Page 16, line 4, after "person," insert "not later than fourteen (14) days after mailing, or appears not to reside at the listed address,".

Page 16, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 14. At least once per calendar year, a sex offender who is



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required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority; in each location where the offender is required to register.
- Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:
 - (1) a valid Indiana driver's license; or
 - (2) a valid Indiana identification card (as described in IC 9-24-16).
- (b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:
 - (1) a valid driver's license issued by the state in which the sex offender resides; or
 - (2) a valid state issued identification card issued by the state in which the sex offender resides.
- (c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:
 - (1) is a sexually violent predator; or
 - (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.
 - (d) It is a defense to a prosecution under this section that:
 - (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
 - (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).".

Page 16, line 6, delete "Sec. 12." and insert "Sec. 16.".

Page 16, line 12, delete "Sec. 13." and insert "Sec. 17.".

Page 16, line 12, delete "intentionally fails to" and insert "intentionally:".

Page 16, delete line 13.

Page 16, line 14, after "(1)" insert "fails to register".

Page 16, line 14, delete "or".

Page 16, line 15, after "(2)" insert "fails to register".



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Page 16, between lines 16 and 17, begin a new line block indented and insert:

- "(3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one
- (1) time per year as required under this chapter;".

Page 16, line 18, after "unrelated" insert "conviction for an".

Page 16, line 18, delete "section." and insert "section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.".

Page 16, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) How long the sexually violent predator will be absent from the sexually violent predator's principal residence.
- (b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:
 - (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
 - (2) The location where the sexually violent predator will be located while spending time in the county.
 - (3) How long the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

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(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter."

Page 16, line 19, delete "Sec. 14." and insert "Sec. 19.".

Page 16, line 32, delete "found to be".

Page 16, line 33, delete "by a court under IC 35-38-1-7.5(b)".

Page 17, line 10, delete "Sec. 15." and insert "Sec. 20.".

Page 18, line 39, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 7, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 31, delete "IC 11-8-8-4." and insert "IC 11-8-8-5.".

Page 22, line 37, delete "IC 11-8-8-4)." and insert "IC 11-8-8-5).". Page 23, line 6, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 8, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 33, delete "IC 11-8-8-4," and insert "IC 11-8-8-5,".

Page 24, line 12, delete "IC 11-8-8-5." and insert "IC 11-8-8-6.".

Page 24, line 42, delete "IC 11-8-8-4)," and insert "IC 11-8-8-5),".

Page 25, line 3, delete "IC 11-8-8-6;" and insert "IC 11-8-8;".

Page 25, line 15, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 29, line 22, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 30, line 15, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 30, line 33, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 30, line 35, delete "IC 11-8-8-6." and insert "IC 11-8-8-7.".

Page 30, line 36, delete "IC 11-8-8-4." and insert "IC 11-8-8-5.".

Page 31, line 26, delete "IC 11-8-8-7" and insert "IC 11-8-8-8".

Page 32, line 16, delete "IC 11-8-8-13," and insert "IC 11-8-8-15,

IC 11-8-8-17, and IC 11-8-8-18, all".

and when so amended that said bill do pass.

(Reference is to SB 12 as printed January 11, 2006.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

